

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEE CLINE,

Defendant.

**8:16CR339**

**ORDER**

This matter is before the Court on the government's Motion for Dismissal (Filing No. 118) and Second Motion to Dismiss (Filing No. 121), both pursuant to Federal Rule of Criminal Procedure 48(a). The government requests leave to dismiss, without prejudice, the original Indictment (Filing No. 1) and Superseding Indictment (Filing No. 24) against Brandon Lee Cline. The Court finds the Motions should be granted.

While the Motion for Dismissal was pending, the defendant filed a Motion for Leave to Offer Evidence Pursuant to Federal Rule of Evidence 412 (Filing No. 120). Because the case is dismissed, this Motion will be denied without prejudice as moot. Accordingly,

**IT IS ORDERED:**

1. The government's Motion for Dismissal (Filing No. 118) is granted without prejudice.
2. The government's Second Motion to Dismiss (Filing No. 121) is granted without prejudice.
3. The defendant's Motion for Leave to Offer Evidence Pursuant to Federal Rule of Evidence 412 (Filing No. 120) is denied, without prejudice, as moot.
4. The original Indictment (Filing No. 1) is hereby dismissed, without prejudice, as to Brandon Lee Cline.

5. The Superseding Indictment (Filing No. 24) is hereby dismissed, without prejudice, as to Brandon Lee Cline.

Dated this 2nd day of May, 2017.

BY THE COURT:

*s/ Robert F. Rossiter, Jr.*  
United States District Judge